

INFORMATION ON WAGE CLAIM PROCESS

A PROCESS THAT CAN TAKE A FEW DAYS TO SEVERAL MONTHS

Once you file your wage claim we will review it to make sure it is complete, that there are no issues that would prevent us from processing your claim, and that our office has jurisdiction. **If you have documents that you are submitting with your wage claim, provide us with copies and keep the originals for your file.** If there is something to prevent us from processing your claim, we will notify you of what it is and what you can do. It will be your responsibility to notify our office if you change your address or phone number. Any monies collected on your behalf will be forwarded to the most current address we have on file.

Acceptance of this claim does not guarantee collection, and our office cannot assess penalties for failure to pay wages. If the department cannot obtain voluntary payment from your employer or is unable to substantiate the validity of the claim, you will be advised of other options. Those options may include taking legal action in small claims court or through the services of a private attorney.

The time required to complete an investigation depends upon the number of cases under investigation, the complexity of the claim, and the cooperation of you and the employer. You may be asked to assist in the resolution of your claim by providing personal copies (do not submit your original documents) of time cards, pay stubs, fringe benefit policies, employment contracts, a personal record of hours worked, sales or customer identification if commissions are claimed, and other relevant information. Failure to respond to our requests for information will result in your claim being closed. Employers are required to provide records and other relevant information.

A letter and a copy of your claim will be sent to your employer. In-state employers will be given 10 days to respond and/or remit payment and out-of-state employers will be given 15 days. If the employer disputes your claim, a copy of their response will be sent to you for your rebuttal and/or additional information to support your case. Feel free to contact us if you have any questions. Should we not get a response from the employer on our first notice, a second notice will be sent and the employer will be given an additional 10 or 15 days to respond, depending upon the location of the employer. If necessary, you or your employer may be granted an extension of time to respond to our requests for information.

Once our investigation is complete, we will issue a Preliminary Finding. Should you or the employer disagree with this finding, you can request a review by another compliance officer within 15 days of receipt of the finding. Once the review is completed and if either party disagrees with the final determination, they must request a hearing before an administrative hearing officer within 15 days from receipt of the determination. You will be expected to attend the hearing and give testimony regarding the claim. The hearing office will affirm, modify or rescind the determination and issue their findings. If there is a disagreement with the hearing officer's decision, it can be appealed to district court.